

House File 2570 - Enrolled

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1 3 AN ACT
1 4 RELATING TO SOLID WASTE DISPOSAL AND ENVIRONMENTAL
1 5 MANAGEMENT BY PROVIDING FOR THE DESIGNATION OF ENVIRONMENTAL
1 6 MANAGEMENT SYSTEMS, PROVIDING INCENTIVES, AND CREATING A
1 7 SOLID WASTE ALTERNATIVES PROGRAM ADVISORY COUNCIL AND
1 8 COMPREHENSIVE RECYCLING PLANNING TASK FORCE, AND MODIFYING
1 9 FEES AND ALLOCATIONS OF FUNDS.
1 10
1 11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 12
1 13 Section 1. Section 455B.310, subsection 2, Code 2007, is
1 14 amended to read as follows:
1 15 2. The tonnage fee is four dollars and twenty=five cents
1 16 per ton of solid waste, except as provided in section 455J.5,
1 17 subsection 1, paragraph "b".
1 18 Sec. 2. Section 455D.3, Code 2007, is amended by adding
1 19 the following new subsection:
1 20 NEW SUBSECTION. 5. ENVIRONMENTAL MANAGEMENT SYSTEMS. A
1 21 planning area designated as an environmental management system
1 22 pursuant to section 455J.7 is exempt from the waste stream
1 23 reduction goals of this section.
1 24 Sec. 3. Section 455E.11, subsection 2, paragraph a,
1 25 subparagraph (1), Code 2007, is amended to read as follows:
1 26 (1) After the one dollar and fifty=five cents is allocated
1 27 pursuant to subparagraph (2), the remaining moneys from the
1 28 tonnage fee shall be used for funding alternatives to
1 29 landfills and shall be allocated as follows:
1 30 (a) Fifty thousand dollars to the department to implement
1 31 the special waste authorization program.
1 32 (b) One hundred sixty=five thousand dollars to the
1 33 department to be used for the by=products and waste search
1 34 service at the university of northern Iowa.
1 35 (c) Up to thirty percent of the fees remitted shall be
2 1 used for grants to environmental management systems as
2 2 provided in section 455J.7.
2 3 ~~(c)~~ (d) The balance of the remaining funds shall be used
2 4 by the department to develop and implement demonstration
2 5 projects for landfill alternatives to solid waste disposal
2 6 including recycling programs. These funds may also be used to
2 7 assist planning areas which have not been designated as
2 8 environmental management systems in meeting the designation
2 9 requirements of section 455J.3.
2 10 Sec. 4. NEW SECTION. 455J.1 ENVIRONMENTAL MANAGEMENT
2 11 SYSTEMS == LEGISLATIVE FINDINGS == PURPOSE.
2 12 1. The purpose of this chapter is to encourage responsible
2 13 environmental management and solid waste disposal and to
2 14 enhance efforts to promote environmental stewardship.
2 15 2. The general assembly finds and declares all of the
2 16 following:
2 17 a. The policy of responsible environmental management can
2 18 be furthered by rewarding solid waste disposal projects that

19 operate in an innovative, cost-effective, technologically
20 advanced, and environmentally sensitive manner.

21 b. Responsible environmental management can also be
22 furthered by changing the focus of solid waste disposal
23 projects from disposal management to environmental resource
24 management.

25 c. The concept of environmental stewardship embraces every
26 aspect of the environmental footprint created by the
27 management and disposal of solid waste.

28 d. Environmental management systems mitigate the climate
29 change impacts of solid waste disposal by reducing the amount
30 of greenhouse gases released into the atmosphere. In
31 addition, environmental management systems improve water
32 quality by limiting and treating the impacts of leachate
33 disposal and by providing positive examples of sustainable
34 water resource management.

35 e. The goal of managing resources in a sustainable manner
36 is to increase the benefits to communities and society for the
37 present and for the future.

38 Sec. 5. NEW SECTION. 455J.2 DEFINITIONS.

39 For purposes of this chapter:

40 1. "Commission" means the environmental protection
41 commission.

42 2. "Council" means the solid waste alternatives program
43 advisory council established by the director.

44 3. "Department" means the department of natural resources.

45 4. "Director" means the director of the department of
46 natural resources.

47 5. "Environmental management system" or "system" means a
48 solid waste planning area which has been designated as an
49 environmental management system pursuant to section 455J.7.
50 "Environmental management system" includes a planning area
51 designated as an environmental management system that is
52 providing multiple environmental services in addition to solid
53 waste disposal and that is planning for the continuous
54 improvement of solid waste management by appropriately and
55 aggressively mitigating the environmental impacts of solid
56 waste disposal.

57 Sec. 6. NEW SECTION. 455J.3 ENVIRONMENTAL MANAGEMENT
58 SYSTEM DESIGNATION REQUIREMENTS.

59 To qualify for designation as an environmental management
60 system pursuant to section 455J.7 a solid waste planning area
61 shall actively pursue all of the following:

62 1. YARD WASTE MANAGEMENT. Provide for the operation of a
63 yard waste management program or contract with another party
64 to do so.

65 2. HAZARDOUS HOUSEHOLD WASTE COLLECTION. Provide for the
66 proper management and disposal of hazardous household waste by
67 operating a regional collection center or participating in a
68 regional collection center network. The regional collection
69 center shall provide for the collection and disposal of
70 hazardous household wastes, including but not limited to
71 paint, pesticides, batteries, automotive products, sharps,
72 needles and syringes, and pool chemicals. The regional
73 collection center shall encourage the reuse of any materials
74 for which reuse is possible and may educate households on the
75 use of safer alternatives through efforts designed to increase
76 public participation and to increase the participation of
77 local government entities not currently in a network.
78 Regional collection centers may also provide for the

4 9 assessment of current educational programs by examining
4 10 changes in consumer behavior.

4 11 3. WATER QUALITY IMPROVEMENT. Provide for a water quality
4 12 improvement program within the system's planning area. Such a
4 13 program may include offering educational programs, sponsoring
4 14 awareness initiatives, providing for cleanup activities such
4 15 as the cleanup of illegal dumping areas, and otherwise
4 16 promoting responsible environmental behavior.

4 17 4. GREENHOUSE GAS REDUCTION. Implement a greenhouse gas
4 18 reduction program designed to prevent the release of
4 19 greenhouse gases into the atmosphere. Such a program may
4 20 include but is not limited to the following activities:

4 21 a. Generating electricity or producing other fuels through
4 22 the collection of landfill gas, such as a methane gas recovery
4 23 or minimization system.

4 24 b. Collecting and managing food and other organic waste
4 25 from households and from industrial and commercial
4 26 establishments, or attempting to recover energy from the reuse
4 27 of biomass.

4 28 c. Implementing programs that encourage the efficient use
4 29 of energy and promote the use of renewable fuels.

4 30 d. Discouraging the uncontrolled burning of solid waste
4 31 and yard waste.

4 32 e. Setting recycling goals to measure energy savings and
4 33 quantify the level of success of greenhouse gas mitigation
4 34 efforts.

4 35 f. Collection and recycling services targeted at waste
5 1 generated by industrial and commercial facilities such as
5 2 cardboard, paper, construction, and demolition waste.

5 3 5. RECYCLING SERVICES.

5 4 a. Offer recycling services for paper, glass, metal, and
5 5 plastics within the communities served. In addition to
5 6 offering recycling of paper, metal, glass, and plastics, a
5 7 solid waste planning area may also offer recycling services
5 8 for electronic waste, white goods, and tires.

5 9 b. Recycling services may also be targeted at waste
5 10 generated by industrial and commercial facilities such as
5 11 cardboard, paper, construction, and demolition waste.

5 12 c. Recycling services offered in an effort to meet the
5 13 goals of this subsection may be provided through drop-off
5 14 sites or through curbside recycling programs operated in
5 15 conjunction with solid waste collection.

5 16 6. ENVIRONMENTAL EDUCATION. Plan and implement programs
5 17 educating the public on environmental stewardship. These
5 18 programs may include components designed to prevent illegal
5 19 dumping, reduce greenhouse gas emissions, improve water
5 20 quality, reduce waste generation, increase recycling and
5 21 reuse, or any other environmental objective that furthers the
5 22 purpose and goals of this chapter.

5 23 Sec. 7. NEW SECTION. 455J.4 ANNUAL COMPLIANCE REPORTS.

5 24 1. On September 1, 2009, and each year thereafter, each
5 25 environmental management system shall submit to the department
5 26 an annual report. The report shall document the system's
5 27 compliance with the requirements of section 455J.3.

5 28 2. The department shall adopt by rule methods and criteria
5 29 for determining whether a system is in compliance with the
5 30 provisions of this chapter. In adopting methods and criteria,
5 31 the department shall consult with stakeholders in order to
5 32 develop reasonable and appropriate criteria. In determining
5 33 whether a system is in compliance with the provisions of this

5 34 chapter, the department shall evaluate whether a system is
5 35 making continuing progress in regard to the requirements of
6 1 section 455J.3.

6 2 Sec. 8. NEW SECTION. 455J.5 INCENTIVES.

6 3 1. A solid waste planning area designated as an
6 4 environmental management system pursuant to section 455J.7
6 5 shall qualify for all of the following:

6 6 a. An exemption from solid waste reduction goals imposed
6 7 on sanitary landfills pursuant to section 455D.3.

6 8 b. A reduced tonnage fee of three dollars and sixty-five
6 9 cents per ton, to be imposed as provided in section 455B.310,
6 10 notwithstanding section 455B.310, subsection 2, of which two
6 11 dollars and ten cents shall be remitted to the department.

6 12 c. Financial assistance as recommended by the council and
6 13 approved by the commission pursuant to section 455J.7.

6 14 2. Notwithstanding any other provision of law to the
6 15 contrary, in addition to the incentives in subsection 1, an
6 16 environmental management system is only required to file its
6 17 updated comprehensive plan once every five years.

6 18 Sec. 9. NEW SECTION. 455J.6 SOLID WASTE ALTERNATIVES
6 19 PROGRAM ADVISORY COUNCIL.

6 20 1. A solid waste alternatives program advisory council is
6 21 established within the department. The council consists of
6 22 the following voting members serving staggered three-year
6 23 terms who shall be appointed by the director:

6 24 a. One member representing the Iowa recycling association.

6 25 b. One member representing the Iowa waste exchange.

6 26 c. One member representing the department of economic
6 27 development's recycle Iowa program.

6 28 d. One member representing the Iowa society of solid waste
6 29 administrators.

6 30 e. Three members representing solid waste planning areas
6 31 of various sizes.

6 32 f. One member representing the Iowa chapter of the
6 33 national solid wastes management association.

6 34 g. One member representing the department.

6 35 2. In appointing members to the council, the director
7 1 shall include representatives from both public and private
7 2 solid waste entities.

7 3 3. Members shall not be entitled to compensation, but
7 4 shall be entitled to reimbursement for expenses pursuant to
7 5 section 7E.6.

7 6 4. A majority of voting members shall not include any
7 7 member who has a conflict of interest. A statement by a
7 8 member that the member has a conflict of interest is
7 9 conclusive for this purpose. A vacancy in the membership does
7 10 not impair the duties of the council.

7 11 Sec. 10. NEW SECTION. 455J.7 DESIGNATION OF
7 12 ENVIRONMENTAL MANAGEMENT SYSTEMS.

7 13 1. CONSIDERATION OF PLANS. The council shall consider
7 14 solid waste management plans submitted by solid waste planning
7 15 areas and make recommendations for designation as an
7 16 environmental management system to the commission. All system
7 17 designations recommended by the council are subject to
7 18 approval by the commission. Any solid waste planning area may
7 19 submit a plan to the council and seek designation as a system.

7 20 a. By October 1, 2008, the council shall recommend the
7 21 designation of up to six initial qualifying solid waste
7 22 planning areas as environmental management systems to serve as
7 23 pilot projects. By October 1, 2009, and by the same date each

7 24 year thereafter, the council may recommend the designation of
7 25 any additional planning areas as systems, provided those areas
7 26 meet the requirements of section 455J.3.

7 27 b. In recommending the designation of a planning area as a
7 28 system, the council shall make a determination as to whether
7 29 the area meets the requirements of section 455J.3. The
7 30 council shall not recommend the designation of a planning area
7 31 as a system unless the planning area meets the requirements of
7 32 section 455J.3.

7 33 c. The commission shall consider the plans submitted to
7 34 the council and shall review the council's recommendations on
7 35 those plans. The commission shall approve or reject each plan
8 1 and shall make publicly available its reasons for doing so.

8 2 2. SYSTEM REVIEW.

8 3 a. By October 1, 2009, and by the same date each year
8 4 thereafter, the council shall review the annual reports of all
8 5 designated systems and determine whether those systems remain
8 6 in compliance with section 455J.3. If the council determines
8 7 that a planning area is no longer in compliance, the council
8 8 may recommend to the commission the revocation of the planning
8 9 area's system designation.

8 10 b. The council may review and monitor the progress of
8 11 those planning areas that have not been designated as a system
8 12 and shall coordinate with other statewide boards, task forces,
8 13 and other entities in order to achieve the goals and
8 14 objectives of this chapter.

8 15 3. ALLOCATION OF FUNDS.

8 16 a. The council shall recommend to the commission a
8 17 reasonable allocation of the moneys provided in section
8 18 455E.11, subsection 2, paragraph "a", subparagraph (1),
8 19 subparagraph subdivision (c), to eligible systems. In making
8 20 its recommendation as to the allocation of moneys, the council
8 21 shall adopt and use a set of reasonable criteria. The
8 22 criteria shall conform to the goals and purposes of this
8 23 chapter as described in section 455J.1 and shall be approved
8 24 by the commission.

8 25 b. Notwithstanding any other provision of law to the
8 26 contrary, the commission shall make a final allocation of the
8 27 funds described in section 455E.11, subsection 2, paragraph
8 28 "a", subparagraph (1), subparagraph subdivision (c), to
8 29 systems meeting the requirements of this chapter.

8 30 c. Moneys allocated pursuant to this subsection shall be
8 31 used by systems to further compliance with any of the
8 32 requirements of section 455J.3.